

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD JUNE 16, 1998 AT 1:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T    Mr. David C. Mangum, Chairman; Mr. Larry L. Weeks, Vice  
Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr.  
James A. Rankin; Mr. G. Robert Lee, County Administrator; Mr.  
Paul S. McCulla, County Attorney

#### BUDGET PROCESS AND PROCEDURES

A work session was held to review the current budget process and  
procedures and to discuss possible revisions to the process.

#### EROSION AND SEDIMENTATION UPDATE - JOHN MARSHALL SOIL AND WATER CONSERVATION DISTRICT

Tommy Greene, Chairman of the John Marshall Soil and Water Conservation  
District, and members of the staff conducted a work session to give an update on  
the Erosion and Sedimentation Program.

#### CLAIM OF T.R.T. MANAGEMENT, INC. FOR COMPENSATION ARISING FROM RENOVATION OF THE JOHN MARSHALL BUILDING

A work session was held to review a claim by T.R.T. Management, Inc. for  
compensation arising from renovation of the John Marshall Building.

#### PUBLIC SAFETY RADIO SYSTEM

A work session was held to review and discuss the recommendation by the  
Public Safety Radio Study Committee regarding the public safety radio system.

#### EXECUTIVE SESSION

Mr. Weeks moved to go into executive session pursuant to Virginia Code  
Section 2.1-344(A) (1) for discussion of personnel matters and Section 2.1-  
344(A) (7) for consultation with legal counsel pertaining to litigation. Mr. Burton  
seconded, and the vote for the motion was unanimous as follows:

Ayes:    Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays:    None  
Absent During Vote:        None  
Abstention:        None

Upon reconvening from executive session, Mr. Weeks moved to adopt the  
following certification. Mr. Burton seconded.

#### CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an  
executive meeting on this date pursuant to an affirmative recorded vote and in  
accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 16th day of June 1998, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Absent During Meeting: None

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

ADOPTION OF THE AGENDA

Pursuant to Section 4-10 of the Fauquier County Board of Supervisors 1998 Bylaws and Rules of Procedure, Mr. Weeks moved that Section 5-1 and Section 5-2 be suspended to permit amending the published agenda to include the following resolutions for discussion and consideration: (1) A Resolution to Delete Water Treatment Plant Planning for Cedar Run Site #6; and (2) A Resolution to Support Funding for the Turkey Run and Corral Farm Pump Stations and Force Main; and to remove A Resolution to Request the Virginia Department of Transportation to Expedite Improvements to the Route 29 Business/Route 29 Bypass Interchange from the Consent Agenda and place on the Regular Agenda for consideration. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

CITIZENS TIME

Barbara Severin, Chairman of the Library Board of Trustees, reviewed the Library's Summer Reading Program and invited members of the Board of Supervisors to attend the Program registration on Saturday, June 20.

Keith Severin, President of the Friends of the Public Library, invited members of the Board of Supervisors to visit the Library to see the decorations and to enjoy the excitement of the Summer Reading Program.

A RESOLUTION TO RECOGNIZE THE RETIREMENT OF JANICE F. WILBURN AND TO COMMEND HER OUTSTANDING CONTRIBUTIONS TO THE COUNTY OF FAUQUIER

Mr. Rankin moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

#### RESOLUTION

A RESOLUTION TO RECOGNIZE THE RETIREMENT OF  
JANICE F. WILBURN AND TO COMMEND HER OUTSTANDING  
CONTRIBUTIONS TO THE COUNTY OF FAUQUIER

WHEREAS, the Fauquier County Board of Supervisors recognizes that the County's employees are its most valuable resource; and

WHEREAS, during the period from August 1985 through June 1998, Janice F. Wilburn served with great distinction as the Zoning Development Technician for the Fauquier County Department of Community Development; and

WHEREAS, Janice F. Wilburn was recognized for her outstanding performance and dedicated service in October 1994 with the Fauquier County Employee of the Month Award; and

WHEREAS, the performance of Janice F. Wilburn has been characterized as loyal, dedicated, and committed to the public and her fellow workers; and

WHEREAS, Janice F. Wilburn officially retires on June 30, 1998; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of June 1998, That Janice F. Wilburn be, and is hereby, commended for her service to the citizens of Fauquier County; and, be it

RESOLVED FURTHER, That the Board of Supervisors, on behalf of all citizens of Fauquier County and her fellow workers, extends gratitude and best wishes to Janice F. Wilburn for a most enjoyable retirement and continued success in all future endeavors.

Mr. Mangum presented Ms. Wilburn with a copy of the resolution and a paperweight.

COMMENDATION OF EMERGENCY SERVICES COORDINATOR, CHUCK  
THOMPSON, FOR HIS WORK IN PREPARING THE FAUQUIER COUNTY  
EMERGENCY OPERATIONS PLAN

Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

## RESOLUTION

A RESOLUTION TO COMMEND EMERGENCY SERVICES COORDINATOR CHUCK THOMPSON FOR HIS OUTSTANDING WORK IN PREPARING THE FAUQUIER COUNTY EMERGENCY OPERATIONS PLAN

WHEREAS, Emergency Services Coordinator, Chuck Thompson, was tasked by the County Administrator with preparing a comprehensive Emergency Operations Plan for Fauquier County; and

WHEREAS, the Emergency Operations Plan is a comprehensive training and emergency response guide that will help insure that needed public safety and community services are provided in emergency situations; and

WHEREAS, Chuck Thompson and his staff have devoted countless hours to the drafting of this plan and have worked closely with numerous other agencies responsible for emergency response; and

WHEREAS, the Emergency Operations Plan has been reviewed by the County Administrator, the County Attorney and the Public Safety Committee and has been recommended to the Board of Supervisors for approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of June 1998, That Chuck Thompson, Emergency Services Coordinator, be, and is hereby, commended for his hard work and dedication in developing the comprehensive Fauquier County Emergency Operations Plan.

Mr. Burton presented Mr. Thompson with a copy of the resolution and a paperweight.

VACO REGION VII REPRESENTATIVES - THE HONORABLE WAYNE ACORS AND THE HONORABLE MARY LEE CARTER

Wayne Acors, Caroline County Board of Supervisors, and Mary Lee Carter, Spotsylvania County Board of Supervisors, attended the meeting representing VACo Region VII. Mr. Acors asked the Board members if they would be interested in attending periodic Region VII meetings. Ms. Carter reviewed two resolutions adopted by the Spotsylvania County Board of Supervisors on the Dillon Rule and the Comprehensive Services Act. Ms. Carter said that she was looking forward to receiving Fauquier County's proposed 1998 Legislative Proposal.

Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.

Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

## RESOLUTION

A RESOLUTION TO DECLARE THE BOARD OF SUPERVISORS LEGISLATIVE PROPOSALS FOR THE 1999 GENERAL ASSEMBLY

WHEREAS, the County of Fauquier has a variety of issues and interests which require legislative action by the Virginia General Assembly; and

WHEREAS, the Virginia Association of Counties (VACo) has requested submission of such legislative proposals for consideration in the 1999 VACo Legislative Program; and

WHEREAS, the County's interests can be proposed with united support of other localities if contained in the VACo Legislative Program; now, therefore, be it RESOLVED by the Fauquier County Board of Supervisors this 16th day of June 1998, That the following items be, and are hereby, directed as the County's legislative issues for consideration by the 1999 General Assembly.

#### TAX ISSUES:

Cost of Competing - Fauquier County respectfully requests that State legislators representing Fauquier County introduce legislation to incorporate Fauquier County into the Cost of Competing School Funding Formula. All political subdivisions having public school systems located in Planning District 8, the Northern Virginia Planning District Commission, receive Cost of Competing funds specifically ear-marked for teacher compensation. Several years ago, the General Assembly authorized Fauquier County's membership in Planning District 8. For Fauquier County to recruit and retain highly qualified public school division teachers, Fauquier County must be able to compensate teachers comparable to our Northern Virginia neighbors.

Northern Virginia Differential for State Employees - The Commonwealth of Virginia pays state employees working in Northern Virginia, defined as the Northern Virginia Planning District Commission, a supplement on the base state compensation. This supplement is often referred to as the Northern Virginia Differential. Health Department, Cooperative Extension and State Police employees working in the adjacent communities of Prince William and Loudoun Counties receive the Northern Virginia Differential. Unless and until the Northern Virginia Differential is extended to Fauquier County, our community will remain at risk of losing highly qualified state employees to our neighboring jurisdictions.

School Funding - Fauquier County supports legislation that establishes a floor for state funding of school budgets. To avoid unintentionally "enriching the already rich", the floor would apply to statewide average per-capita, per-student or base-line year levels of expenditures for education. This proposal does not alter or modify the existing composite index, but rather targets jurisdictions like Fauquier County that experience unusual reductions in state aid to education due to unusual demographic phenomenon.

As an alternative, Fauquier County requests support and assistance in working with the appropriate state officials in examining the mechanics of the composite index with the goal of altering same to more equitably reflect Fauquier's true "ability to pay".

Additionally, Fauquier County supports the full funding of the State's share of the Standard's of Quality and full funding of any categorical educational mandates including pay raises.

Fauquier County supports school divisions providing detailed information on their budgets prior to their budget public hearing and supports school divisions being subject to the same publication and notice of public hearing requirements as local governments.

Integration of Use-Value Taxation into the Composite Index Calculation - Fauquier County supports the amendment of the composite index formula to consider the fiscal impact of use-value taxation. The composite index should use the value that real property is taxed on rather than the fair market value. The proposal may also benefit urban communities that freeze assessed values for taxation purposes as an inducement for property owners in designated zones to rehabilitate their properties.

Land Use Value Assessments - Fauquier County supports legislation that would authorize local governments in the Commonwealth of Virginia to determine minimum acreage requirements exceeding state minimum regulation for Land Use Value Assessments for Agricultural, Horticultural, or Forestal Real Estate.

Consideration of a Hold Harm Provision Concerning Local Real Estate Revenues Lost Through Voluntary Local Participation in the State Sponsored Use Value Taxation Program - Fauquier County supports legislation which would reimburse localities for the amount of annual real estate tax revenues lost through the voluntary participation of localities in the State sponsored Land Use Taxation Program.

#### LAND USE PLANNING ISSUES:

Conditional Zoning - Fauquier County respectfully requests that the General Assembly delegation representing Fauquier County introduce in both the Senate and the House the language of 1997 House Bill No. 2657 relating to conditional zoning. The Northern Virginia communities enjoy a much more flexible and productive form of conditional zoning authorization than Fauquier County presently has.

Comprehensive Plans - Fauquier County supports legislation that would require state agencies to give consideration to local comprehensive plans.

Local Authority Issuance of Permits - Fauquier County opposes any legislation which would limit local authority relating to the issuance of special exceptions and special use permits. Fauquier continues to strenuously oppose HB 1362 which was introduced by Delegate Scott during the 1998 legislative session and was carried over until the 1999 session. Fauquier continues to believe that this bill is an unwarranted and unwelcome intrusion into local land use planning.

Developer Reimbursements - Fauquier County supports legislation that would allow localities to require subsequent developers to reimburse initial developers on a pro rata basis, for off-site improvements provided by initial developers.

Takings - Fauquier County opposes any change in the existing eminent domain laws of the Commonwealth of Virginia or legislative expansion of the now existing property rights for which landowners must be compensated when such rights are affected by ordinance, regulation, legislation or other action taken by any county, city or town within this Commonwealth.

Vested Property Rights - Fauquier County opposes any legislation expanding the vested property rights of owners of land in the areas of zoning, subdivision and site plans beyond the law of vested rights existing within the Commonwealth of Virginia on July 1, 1993.

Manufactured Housing - Fauquier County opposes any further dilution of the zoning and land use regulatory authority of local governments as it pertains to manufactured housing.

Shared Land Use Data - Fauquier County supports efforts of the General Assembly to promote shared land use data and Geographic Information System (GIS) technology among state agencies, planning district commissions, and localities.

Cost of Growth - Fauquier County supports the Virginia Association of Counties Region 7 initiative to develop equitable programs to address the pernicious problem of accelerated government costs associated with significant population growth.

#### SOLID WASTE/RECYCLING ISSUES:

Markets for Recyclables - Fauquier County requests the state to take an active role in developing markets for recyclables.

Deposit on Beverage Containers - Fauquier County supports legislation that would establish a deposit on beverage containers.

Non-biodegradable Containers - Fauquier County supports legislation to prohibit the use of non-biodegradable containers whenever safe, degradable alternatives are viable.

#### LOCAL GOVERNMENT ENABLING & SELF DETERMINATION ISSUES:

Courthouse Relocation - A Virginia Attorney General's opinion suggests that a referendum is required for any relocation of the Circuit Courthouse. Fauquier County requests legislation that would permit relocation of the Courthouse, without referendum, within one mile of the existing Courthouse location.

Increased Local Authority - Fauquier County supports legislation to provide for increased local authority in planning, zoning and revenue matters through a statutory relaxation of the Dillon Rule. The relaxation of the Dillon Rule should not, however, be accompanied by a shift of responsibility for various programs from the state government to local government.

Funding of State Mandated Laws - Fauquier County supports legislation to mandate state funding of state laws requiring local appropriations. Further, Fauquier County requests that the General Assembly place a sunset or reexamination requirement for all legislation adversely impacting local government. Periodic examination of legislation pertaining to mandates and state imposed requirements on local governments is essential to assure that state government officials understand the implications of state mandates on local governments.

## PUBLIC SAFETY ISSUES:

Alternatives to Incarceration for Non-Violent Offenders - Fauquier County exhorts the Commonwealth of Virginia to investigate safe, cost-effective alternatives to incarceration for non-violent offenders in order to reduce state and local jail overcrowding.

Block Grant Funding for Correctional Facilities - Fauquier County supports legislation which requires money appropriated for payment of operational costs for local correctional facilities to be paid in a single block grant to the localities on the first day of the fiscal year for which the appropriation or apportionment is made.

State Pays for Housing State Prisoners - Fauquier County supports increase in what state pays for housing state prisoners in local jails based on state analysis of actual costs incurred by local governments.

## HUMAN SERVICES:

Comprehensive Services Act - Fauquier County opposes any change in the funding formula for the Comprehensive Services Act which would mandate an increase in the current local match rate of 45%.

Fauquier County supports adequate State funding to cover both mandated and court-ordered placement of children and cover local costs for administering the Comprehensive Services Act.

## CONSENT AGENDA

Mr. Weeks moved to adopt the following Consent Agenda items. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

Approval of the Minutes of the Board of Supervisors June 2, 1998 Regular Meeting

A Resolution to Authorize Filing the Warrenton-Fauquier Airport Pre-application Capital Improvements Plan for FY 1999-2004

## RESOLUTION

A RESOLUTION TO AUTHORIZE FILING THE WARRENTON-FAUQUIER AIRPORT PRE-APPLICATION CAPITAL IMPROVEMENTS PLAN FOR FY 1999-2004

Be It Resolved by the Fauquier County Board of Supervisors this 16th day of June 1998, That authorization be given to file the Warrenton-Fauquier Airport Pre-Application Capital Improvements Plan for FY 1999-2004.

A Resolution to Accept and Authorize Execution of the Virginia Department of Aviation Grant for the Site Development Portion of the T-Hangar Construction Project at the Warrenton-Fauquier Airport

RESOLUTION

RESOLUTION TO ACCEPT AND AUTHORIZE EXECUTION OF VIRGINIA  
DEPARTMENT OF AVIATION GRANT FOR THE SITE DEVELOPMENT  
PORTION OF THE T-HANGAR CONSTRUCTION PROJECT

WHEREAS, the County of Fauquier has submitted applications for State funding grants from the Virginia Department of Aviation (VDOA) for development of the Warrenton-Fauquier Airport; and

WHEREAS, the Virginia Department of Aviation has approved a project grant for the site development portion of the T-Hangar construction project and issued a Grant Agreement dated 19 May 1998 (VDOA Project No. CS0068-07) for acceptance and execution by the appropriate Fauquier County official, with the maximum obligation of the Commonwealth of Virginia under the grant not to exceed \$282,800 and the grant being subject to certain terms and conditions as contained in said Grant Agreement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of June 1998, That the Grant Agreement dated 19 May 1998, issued by the Virginia Department of Aviation (VDOA Project No. CS0068-07), for the site development portion of the T-Hangar construction project at the Warrenton-Fauquier Airport be, and is hereby, accepted; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign on behalf of the County the said Grant Agreement and any other necessary grant documentation.

A Resolution to Adopt the Fauquier County Emergency Operations Plan

RESOLUTION

A RESOLUTION TO ADOPT THE FAUQUIER  
COUNTY EMERGENCY OPERATIONS PLAN

WHEREAS, the Fauquier County Board of Supervisors is greatly concerned with the health, safety, and well-being of its citizens and desires that the best possible emergency services be available to them; and

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 1973, Chapter 3.2 of Title 44 of the Code of Virginia, 1950 as amended, requires that each city and county in the Commonwealth maintain an Emergency Operations Plan (EOP) which addresses its planned response to emergency situations; and

WHEREAS, such an Emergency Operations Plan has been developed by Fauquier County Staff, in coordination with the Virginia Department of Emergency Services, incorporating input from responsible local agencies; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors, this 16th day of

June, 1998, That the revised and current Fauquier County Emergency Operations Plan, to include plans and procedures for both peacetime and war-caused disasters, be, and is hereby, officially adopted.

A Resolution to Outline the Scope and Responsibility of the Route 676 Extended Project

RESOLUTION

A RESOLUTION ON ROUTE 676 EXTENDED LOCATED  
WITHIN THE NEW BALTIMORE SERVICE DISTRICT

WHEREAS, the Adopted Transportation Plan for the New Baltimore Service District includes Route 676 to be extended from Route 600 northward to Route 29/15; and

WHEREAS, the right-of-way for the extension of Route 676 between Route 600 and Route 29/15 has already been dedicated by the adjacent property owners; and

WHEREAS, the Virginia Department of Transportation held a Location and Design public hearing in the Spring of 1998 on the proposed extension of Route 676 between Route 600 and Route 29/15; and

WHEREAS, the Virginia Department of Transportation has built two lanes for approximately sixty (60) feet on the proposed roadway and is proposing to build two lanes within the remaining right-of-way to its intersection with Route 29/15; and

WHEREAS, Route 676 is proposed on the Comprehensive Plan as a four lane roadway and the right-of-way for four lanes for the extension of Route 676 has already been secured; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 16th day of June 1998, That Route 676 Extended from Route 600 northward to its intersection with Route 29/15 will have two lanes constructed by the Virginia Department of Transportation and the additional two lanes will be constructed by others and that a copy of this Resolution be forwarded to the Virginia Department of Transportation.

A Resolution Requesting the Congressional Delegation Representing the Citizens of Fauquier County to Support the Passage of H.R. 2891, A Bill to Amend the Fair Labor Standards Act of 1938 to Provide a Limited Overtime Exemption for Employees Performing Emergency Medical Services

RESOLUTION

A RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION  
REPRESENTING THE CITIZENS OF FAUQUIER COUNTY, VIRGINIA TO SUPPORT  
THE PASSAGE OF H.R. 2891 A BILL TO AMEND THE FAIR LABOR STANDARDS  
ACT OF 1938 TO PROVIDE A LIMITED OVERTIME EXEMPTION FOR EMPLOYEES  
PERFORMING EMERGENCY MEDICAL SERVICES

WHEREAS, the County of Fauquier employs persons to provide emergency medical services to the citizens of the County; and

WHEREAS, recent court rulings have called into question the application of Section 207 (k) of the Fair Labor Standards Act of 1938 to emergency medical

services employees; and

WHEREAS, the Board of Supervisors of Fauquier County, Virginia supports the passage of H.R. 2891, a bill to amend the Fair Labor Standards Act of 1938 to provide a limited overtime exemption for employees performing emergency medical services; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 16th day of June 1998, That Board of Supervisors does hereby support the passage of H.R. 2891, a bill to amend the Fair Labor Standards Act of 1938 to provide a limited overtime exemption for employees performing emergency medical services; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, directed to forward a copy of this resolution to the Congressional delegation representing Fauquier County, Virginia and to respectfully request the delegation's support of H.R. 2891.

A Resolution to Amend the Work Week of Firefighter Paramedics Employed by the Office of Emergency Services

#### RESOLUTION

A RESOLUTION TO AMEND THE WORK WEEK OF  
FIREFIGHTER PARAMEDICS EMPLOYED BY THE  
OFFICE OF EMERGENCY SERVICES

WHEREAS, the County has previously paid non-exempt Firefighter Paramedic employees of the Office of Emergency Services overtime on the basis of a 53 hour work week pursuant to a partial exemption set forth in the Fair Labor Standards Act; and

WHEREAS, the Board of Supervisors has determined that non-exempt employees of the Office of Emergency Services should hereafter be paid overtime after working 40 hours per week; now, therefore, be it

RESOLVED, this 16th day of June, 1998, by the Board of Supervisors of Fauquier County, That the County Administrator and Emergency Services Coordinator are directed to take the necessary steps to implement, effective July 1, 1998, the payment of overtime to all non-exempt Firefighter Paramedics for any work in a single work week in excess of 40 hours.

Preliminary Subdivision - Jameson Woods Subdivision

No action was taken.

CLAIM OF T.R.T. MANAGEMENT, INC. FOR COMPENSATION ARISING FROM  
RENOVATION OF THE JOHN MARSHALL BUILDING

Mr. Weeks moved to adopt the following resolution. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None

Abstention:       None

#### RESOLUTION

A RESOLUTION TO DENY CLAIM OF T.R.T. MANAGEMENT, INC.

WHEREAS, the Board of Supervisors has heard and considered the claim of T.R.T. Management, Inc., requesting \$350,000 from the County for the John Marshall Building renovations; and

WHEREAS, the Board of Supervisors has determined that the claim is without merit and should be denied; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisor this 16th day of June 1998, That the claim of T.R.T. Management, Inc. be, and is hereby, denied.

A RESOLUTION TO DELETE WATER TREATMENT PLANT PLANNING FOR CEDAR RUN SITE #6

Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

#### RESOLUTION

A RESOLUTION TO DELETE WATER TREATMENT PLANT PLANNING FOR CEDAR RUN SITE #6

WHEREAS, the Fauquier County Water & Sanitation Authority is authorized to provide public water services in Fauquier County outside of municipal corporations; and

WHEREAS, Cedar Run Site #6 has been planned for purposes of flood control and future public water supply; and

WHEREAS, there is no compelling need at the present time to incur the public expenses associates with planning and programming for a water treatment plant associated with the Cedar Run Site #6 project; and

WHEREAS, the Fauquier County Board of Supervisors, in consultation with the Fauquier County Water & Sanitation Authority, has completed the requested analysis to determine future options for water supply and treatment facilities; and

WHEREAS, the estimated local share costs for the Cedar Run Site #6 project have increased as a result of dam design modifications; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of June 1998, That the County of Fauquier does hereby determine that there shall be no further efforts pursuant to siting, land acquisition or design of water treatment facilities associated with the Cedar Run Site #6 project.

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION TO EXPEDITE IMPROVEMENTS TO THE ROUTE 29  
BUSINESS/ROUTE 29 BYPASS INTERCHANGE

Mr. Rankin moved to adopt the following resolution. Mr. Weeks seconded,  
and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

RESOLUTION

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION TO EXPEDITE IMPROVEMENTS TO  
THE ROUTE 29 BUSINESS/ROUTE 29 BYPASS INTERCHANGE

WHEREAS, the Fauquier County Adopted Transportation Plan for the  
Warrenton Service District shows a grade separated interchange at the Route 29  
Business/Route 29 Bypass; and

WHEREAS, the Fauquier County Board of Supervisors has placed the  
construction of the Route 29 Business/Route 29 Bypass as one of its top five (5)  
priorities for inclusion in VDOT'S Six Year Plan for Primary and Urban Highway  
Systems; and

WHEREAS, the new campus of the Lord Fairfax Community College is under  
construction and scheduled to open in January 1999, in addition to the new landfill  
which is also under construction on the Corral Farm property creating increased  
traffic to this site and further aggravating the safety problems which currently exist  
at the Corral Farm site; and

WHEREAS, the Route 29 Corridor has been designated as part of the  
National Highway System making it a critical element of the national highway  
system; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of  
June 1998, That Fauquier County requests the Virginia Department of  
Transportation to expedite the planning and construction of a grade separated  
interchange at Route 29 Business/Route 29 Bypass due to the fact that recent  
Federal Transportation Legislation has increased the amount of funding going to  
Virginia and that a copy of this Resolution be forwarded to the Virginia Department  
of Transportation.

A RESOLUTION TO SUPPORT FUNDING FOR THE TURKEY RUN AND CORRAL  
FARM PUMP STATIONS AND FORCE MAIN

Mr. Weeks moved to adopt the following resolution. Mr. Burton seconded,  
and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None

Absent During Vote:       None  
Abstention:           None

## RESOLUTION

A RESOLUTION TO SUPPORT FUNDING FOR THE TURKEY RUN  
AND CORRAL FARM PUMP STATIONS AND FORCE MAIN

WHEREAS the Fauquier County Board of Supervisors has appropriated support for Lord Fairfax Community College in the amount of \$2,021,975 for site work, \$250,000 for utilities and \$250,000 for an access road; and

WHEREAS, the County and the Town of Warrenton agreed to cost-share the project known as the Turkey Run & Corral Farms Pump Stations & Force Main, Job No. VBO1949600; and

WHEREAS, the County is responsible to fund 100% of the cost of the Corral Farms Pump Station and 50% of the cost of the Force Main to provide sewer service to Lord Fairfax Community College, and has appropriated \$250,000 for the Project; and

WHEREAS, the County's share of the total base bid is \$368,700 added to engineering costs of \$42,000 and an easement plat cost of \$1,000 for a total of \$411,700, which exceeds the budget appropriation by \$161,000; and

WHEREAS, The Lord Fairfax Community College staff has identified a \$190,408 proposed change order for parking lots to be supported by funding from the County's Lord Fairfax Community College site work account, however, the Pump Station Project is a basic site requirement having a higher priority; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of June 1998, That \$161,000 and an additional contingency amount of \$19,000 for a total of \$180,000 be transferred from the Lord Fairfax Community College site work account and moved to the Lord Fairfax Community College utility account for the support of the Pump Station Project; and, be it

RESOLVED FURTHER, That this transfer shall be effective immediately upon adoption of this resolution.

## SUPERVISORS TIME

Mr. Rankin asked the Board members' support in sending a letter to Congressman Wolf asking for funding for sound barriers along the Route 17 Spur at Ivy Hill. The Board agreed to send the letter.

## ANNOUNCEMENTS

The Local Government Officials Conference (LGOC) is scheduled in Charlottesville, August 9-11, 1998.

VACo Annual Meeting is scheduled in Hot Springs, November 8-10, 1998.

FAUQUIER COUNTY CODE AMENDMENT - ARTICLE II, CHAPTER 8 - PROVIDE FOR TRIENNIAL APPLICATION FOR REAL ESTATE TAX RELIEF FOR THE ELDERLY AND DISABLED AND SET CERTAIN APPLICATION DATES

A public hearing was held to consider amending Article II, Chapter 8 of the Fauquier County Code to allow for triennial application for real estate tax relief for the elderly and disabled and to set certain application dates. No one spoke. The public hearing was closed. Mr. Burton moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

#### ORDINANCE

AN ORDINANCE TO AMEND ARTICLE II CHAPTER 8 OF THE CODE OF FAUQUIER COUNTY TO PROVIDE FOR TRIENNIAL RATHER THAN ANNUAL APPLICATION FOR REAL ESTATE TAX RELIEF FOR THE ELDERLY AND DISABLED AND SET CERTAIN APPLICATION DATES.

WHEREAS, the Board of Supervisors of Fauquier County adopted an ordinance establishing certain filing requirements for application for real estate tax relief for the elderly and disabled; and

WHEREAS, Article II, Chapter 8 of the Code of Fauquier County regulates requirements for the program; and

WHEREAS, the Commissioner of the Revenue has determined that Title 58.1 Sec. 3213(b) of the Code of Virginia provides that a governing body may prescribe a three year cycle of application with an annual certification that no information contained in the preceding application has changed to violate the limitations and conditions thereof; and

WHEREAS, the Board of Supervisors deems this to be a benefit to current program participants by reducing the amount of paperwork required to maintain qualification in the program; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 16th day of June 1998, That Article II, Chapter 8, Section 8-4 of the Code of Fauquier County be, and is hereby, amended as follows:

Sec. 8-4. Application for exemption.

The person claiming an exemption provided for herein shall file in writing an application with the commissioner of the revenue, on a form prescribed by the commissioner, between January first and June thirtieth of the taxable year. In lieu of the filing of an annual application, once a taxpayer is determined to be eligible an application may be filed on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding application filed has changed to violate the limitations and conditions provided in this section. Such annual certification, on a form prescribed by the commissioner, shall be filed no later than March 5 of the taxable year.

The application shall be accompanied by an affidavit, setting forth the names of all persons occupying such dwellings and stating that the total combined income, and the net combined financial worth, do not exceed the limitations set forth in section 8-3. The commissioner of the revenue may require an applicant to answer

questions under oath, as to his requirements under this article or to produce for inspection certified federal income tax returns for the preceding three (3) years to establish the total combined income or net combined financial worth as herein before defined. If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration, the Veteran's Administration, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the commonwealth, or who are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled as defined in section 8-2. The affidavit of at least one (1) of the doctors shall be based on a physical examination of the person by such doctor. The commissioner of the revenue shall further determine that a permanently disabled person meets the test prescribed in section 58.1-3217 and 58.1-3213(c) of the Code of Virginia of 1950 as amended.

LEASE AGREEMENT FOR OPERATION OF THE DISTRICT HOME LOCATED IN  
MANASSAS, VIRGINIA BETWEEN THE FIVE MEMBER JURISDICTIONS AND  
BIRMINGHAM GREEN ADULT CARE RESIDENCE

A public hearing was held to consider a proposed lease agreement between the five member jurisdictions (Fauquier, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria) and Birmingham Green Adult Care Residence for the operation of the district home located in Manassas, Virginia. Nancy Reeve, Adult Protective Services Worker with the Department of Social Services, and David Botts, Fauquier County's District Home Board Representative, spoke in favor of the lease agreement. No one else spoke. The public hearing was closed. Mr. Rankin moved to adopt the following resolution. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE APPROVAL OF A LEASE AGREEMENT WITH  
BIRMINGHAM GREEN ADULT CARE RESIDENCE FOR THE DISTRICT  
HOME PROPERTY LOCATED IN MANASSAS, VIRGINIA

WHEREAS, Fauquier County is a member (along with Fairfax County, Loudoun County, Prince William County and the City of Alexandria) of the Northern Virginia Healthcare Center and District Home at Birmingham Green ("District Home") located in Manassas, Virginia; and

WHEREAS, the District Home is located on property owned by the five member jurisdictions and is operated for the aged, indigent, and incapacitated; and

WHEREAS, upon recommendation of the District Home Board, a private, non-profit entity known as Birmingham Green Adult Care Residence has been created for the purpose of operating the District Home in order that previously unavailable federal and state funding can be accessed; and

WHEREAS, the five member jurisdictions which own the District Home are being requested to approve a lease to the Birmingham Green Adult Care Residence of the land and buildings which house the adult care facility and for the operation of

the facility itself; and

WHEREAS, it is anticipated that operation of the District Home by a non-public entity will result in continued high quality service with a reduced subsidy from the owner jurisdictions and will further enable District Home residents to qualify for Supplemental Security Income and Medicaid; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of June 1998, That the Lease Agreement between Fauquier County, Fairfax County, Loudoun County, Prince William County, the City of Alexandria and the Birmingham Green Adult Care Residence for the operation of the District Home be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the Chairman of the Fauquier County Board of Supervisors be, and is hereby, authorized to execute the said Lease Agreement in the form approved by the County Attorney.

SPECIAL EXCEPTION - FAUQUIER COUNTY SCHOOL BOARD - ALLOW  
EXPANSION OF CEDAR LEE MIDDLE SCHOOL

A public hearing was held to consider a request for special exception approval from the Fauquier County School Board to allow for the construction of additions to the existing middle school. The property is located on Schoolhouse Road (Route 661) southwest of Marsh Road (Route 17) in the Bealeton Service District, PIN #6899-13-9308-000 and PIN #6899-23-3686-000, Lee District. A gentleman spoke representing his mother, June Grimes, and asked about plans for taking property for the construction. He also requested that his mother be informed of plans for the construction. No one else spoke. The public hearing was closed. Mr. Mangum moved to adopt the following resolution. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION  
REQUEST #SE98-L -04  
CEDAR LEE MIDDLE SCHOOL ADDITON

WHEREAS, Fauquier County School Board, Property Owner, has filed an application for a special exception to allow for additions to the existing Cedar Lee Middle School pursuant to Sections 3-305.2 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Special Exception Application of the Fauquier County School Board, Property Owner, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of Articles 5-501 and 5-04, of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing February 26, 1998, on this special exception request and recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of June 1998, That Special Exception #SE98-L-04, Cedar Lee Middle School Addition (PIN 6899-13-9308-000 and 6899-23-3686-000), be and is hereby, approved subject to the following finding and condition:

FINDING:

The Board of Supervisors finds that the Cedar Lee Middle School is a legal non-conforming use and that the proposed expansion is compatible with the existing community. It also finds that there will be a minimal impact on the site and the need for expansion is in accordance with the Comprehensive Plan.

CONDITION:

The Applicant will effectively screen the existing and any future parking lots from the neighboring residential districts.

ZONING ORDINANCE TEXT AMENDMENT - GEORGE F. AND BONNIE T. DOWNES,  
OWNERS - ALLOW NONCONFORMING USES ON ADJACENT PROPERTIES

A public hearing was held to consider a Zoning Ordinance text amendment to Article 10 to allow nonconforming uses on adjacent properties. George Downes spoke in favor of the amendment. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following ordinance. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

ZONING ORDINANCE TEXT AMENDMENT TO AMEND  
ARTICLE 10 NONCONFORMITIES, PART 1 NONCONFORMING USES, SECTION  
10-102.2 NONCONFORMING USES WHICH MAY BE CONTINUED AND ENLARGED

WHEREAS, the Fauquier County Zoning Ordinance, Article 10 Nonconformities, Part 1 Nonconforming Uses, Section 10-102.2 does not currently allow a nonconforming use to expand onto an adjacent property; and

WHEREAS, the Fauquier County Board of Supervisors has held a public hearing regarding this matter; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 16th day of June 1998, That the last sentence of Section 10-102.2 of the Fauquier County Zoning Ordinance be, and is hereby, deleted as shown in the attached amendment:

AMENDMENT TO ZONING ORDINANCE SECTION 10-102.2 NONCONFORMING  
USES WHICH MAY BE CONTINUED AND ENLARGED

2. Such uses set forth in Paragraph 1 may be enlarged to a total aggregate extent not to exceed twenty-five (25) percent of the area of land occupied by such nonconforming use and to a total aggregate extent not to exceed twenty-five (25) percent of the gross floor area of the building in which such nonconforming use is conducted; provided that such enlargement shall never exceed any applicable maximum floor area ratio prescribed for the zoning district in which located.

ZONING ORDINANCE TEXT AMENDMENT - JOSEPH S. LEGGETT, INC., OWNER,  
AND ROBBINS DEVELOPMENT CORPORATION, APPLICANT - ALLOW AN  
INCREASE ON MAXIMUM LOT COVERAGE FROM 30% TO 50%

A public hearing was held to consider a Zoning Ordinance text amendment to allow an increase on maximum lot coverage from 30% to 50%. Walt Robbins spoke in favor of the amendment. No one else spoke. The public hearing was closed. Mr. Rankin moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

#### ORDINANCE

ZONING ORDINANCE TEXT AMENDMENT TO AMEND ARTICLE 3 DISTRICT  
REGULATIONS, PART 4 USE REGULATIONS, SECTION 3-407 MAXIMUM LOT  
COVERAGE (%) TO INCREASE THE MAXIMUM LOT COVERAGE FROM 30% TO  
45% IN THE C-2 (COMMERCIAL HIGHWAY) ZONING DISTRICT

WHEREAS, the Fauquier County Zoning Ordinance, Article 3 District  
Regulations, Part 4 Use Regulations, Section 3-407 currently allows 30% Maximum  
Lot Coverage in the C-2 (Commercial Highway) Zoning District; and

WHEREAS, the applicant has requested the Maximum Lot Coverage in the C-  
2 (Commercial Highway) Zoning District to be 50%, however, the Fauquier County  
Planning Commission has recommended 45%; and

WHEREAS, the Fauquier County Board of Supervisors has held a public  
hearing regarding this matter; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 16th day of  
June 1998, That the Article 3 of the Fauquier County Zoning Ordinance be, and is  
hereby, amended as follows:

ARTICLE 3 DISTRICT REGULATIONS, PART 4 USE REGULATIONS,  
SECTION 3-407 MAXIMUM LOT COVERAGE (%)

#### C-2

3-407	Maximum Lot Coverage (%)	45
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With no further business, the meeting was adjourned.